IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE G. BHAVANI PRASAD

TAKEN UP WRIT PETITION NO : 25000 of 2007

DATE:24.12.2007

Between:

Ahmed Pasha

..... PETITIONER

AND

1. The Station House Officer, Sanathnagar Police Station, Hyderabad, and another.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

This writ petition is taken up on the basis of the letter, dated 21.11.2007, sent by the petitioner to the Hon'ble the Chief Justice, alleging that the Police of Sanathnagar Police Station took away his son, namely, Mohd. Irfan, on 16.11.2007 and kept him in Sanathnagar Police Station illegally and subjected to torture, and that on 21.11.2007, when he along with other relatives went to the police station, they came to know that his son was shifted to some secret place and so far his son is not produced before the competent Court.

In response to the notice, the Inspector of Police, Sanathnagar Police Station, Cyberabad, the first respondent herein, filed counter affidavit stating that one E. Bala Prasad lodged a complaint on 18.11.2007 stating that his brother's daughter, namely, E, Jayasree was missing since 15.11.2007 and they are suspecting the alleged detenu in missing of his brother's daughter. On the basis of the said complaint, a case in Crime No.375 of 2007 was registered under the head of "Woman Missing". During the course of investigation, the alleged detenu was called to the police station on 8.11.2007 to ascertain his involvement in kidnapping the missing woman. Since the alleged detenu denied his involvement in kidnapping the missing woman, he was let off by the police on the same day itself. Thereafter, the complainant and his family members visited the police station to know about the progress of the investigation. Again the alleged detenu was called to the police station on 21.11.2007 to know about his involvement in kidnapping the missing woman. It is also denied in the counter affidavit that except calling the alleged detenu to the police station on 18.11.2007 and 21.11.2007, they never illegally detained him from 16.11.2007.

The first respondent also field the undertaking given by the

petitioner, dated 28.11.2007, which shows that as his son did not return to the house, apprehending danger to his son's life, he sent a letter to the Hon'ble the Chief Justice, but his son returned to the house on 28.11.2007.

The petitioner also filed an affidavit through his counsel Sri A. Ravi Shankar stating that on 28.11.2007 his son was released at about 11.00 p.m., on the ground that the missing girl Jayasree was traced and that his son has nothing to do with the case, but he sent the letter dated 21.11.2007, which was taken up as writ petition, to avoid harassment in future and to take action against the Police Officials of Sanathnagar Police Station, who are responsible for the illegal detention of the alleged detenu.

Learned counsel for the petitioner, who filed the affidavit, failed to appear on 19.12.2007. Even today, though the matter is listed under the caption "For Dismissal" there is no representation on his behalf.

Since the alleged detenu has been released, the cause of action in this writ petition does not survive. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to proceed in accordance with law, if he feels that the alleged detenu has been illegally detained by the police.

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(A. GOPAL REDDY, J.)

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(G. BHAVANI PRASAD, J.)

20th December, 2007
Js.